



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILS.
MARIA LOURDES P. A. SERENO
CHIEF JUSTICE

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SECOND DIVISION

**TOMAS T. TEODORO, FRANCISCO
J. TEODORO** (substituted upon his
death by **Tomas T. Teodoro**),
**SALVADOR ILANO and TEODORO
EXPLORATION AND MINERAL
DEVELOPMENT CORPORATION,**
Petitioners,

- versus -

**CONTINENTAL CEMENT
CORPORATION,**
Respondent.

G.R. No. 165355

Present:

CARPIO, J.,
Chairperson,
LEONARDO-DE CASTRO,*
BRION,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

SEP 26 2012

X-----X

DECISION

BRION, J.:

We resolve the petition for review on *certiorari*¹ filed by Tomas Teodoro, Francisco Teodoro (substituted upon his death by Tomas Teodoro), Salvador Ilano and Teodoro Exploration and Mineral Development Corporation² to challenge the April 15, 2003 decision³ and the

* Designated as Acting Member in lieu of Associate Justice Mariano C. del Castillo, per Special Order No. 1308 dated September 21, 2012.

¹ Filed under Rule 45 of the Rules of Court; *rollo*, pp. 31-61.

² Salvador Ilano is now also deceased and Teodoro Exploration and Mineral Development Corporation has ceased operations and already defunct; per Verification and Certification of Non-Forum Shopping, *id.* at 62.

³ Penned by Associate Justice Conrado M. Vasquez, Jr., and concurred in by Associate Justices Mercedes Gozo-Dadole and Rosmari D. Carandang; *id.* at 66-80.

September 9, 2004 resolution⁴ of the Court of Appeals (CA) in CA-G.R. CV No. 70414.

The Factual Antecedents

a. The Parties' Mining Disputes

On July 13, 1959, PAMI Development Corporation (*PAMI*) registered with the Mining Records of Bulacan its mining claims to a 185.8611-hectare land in Barrio Pinagkamaligan, San Mateo, Norzagaray, Bulacan. On December 23, 1964, the Mining Records of Bulacan issued Placer Lease Contract Nos. V-202 and V-203, later renamed Mining Lease Contracts (*MLCs*),⁵ to PAMI for a 25-year period ending in 1989. On January 5, 1965, PAMI sold its mining claims to respondent Continental Cement Corporation.⁶

Fifteen (15) years later, or on April 11, 1980, petitioners Tomas and Francisco filed with the Bureau of Mines and Geo-Sciences (*BMGS*) their Quarry Permit Application Nos. AQP-551 and AQP-552 covering their 12.88-hectare land in Barrio Pinagkamaligan, San Mateo, Norzagaray, Bulacan, titled under Transfer Certificate of Title No. 179806 (T-2038[M]), issued by the Register of Deeds of Bulacan on March 14, 1973. On October 9, 1980, the BMGS denied the Teodoros' applications because **the areas covered thereby conflicted with the respondent's mining claims.**

Earlier, or on September 27, 1980, the Teodoros filed a petition with the then Ministry of Natural Resources (*MNR*) for the cancellation of the respondent's MLCs for the non-development of its mineral claims. On

⁴ *Id.* at 82-85.

⁵ *Id.* at 176-177.

⁶ *Id.* at 178-180.

November 25, 1983, the MNR cancelled the respondent's MLCs for the non-performance of its work obligations.

The respondent appealed the cancellation order to the Office of the President (*OP*).⁷ Meanwhile, the BMGS issued Quarry Temporary Permit (*QTP*) No. 186 to the Teodoros.

On January 5, 1987, then Deputy Executive Secretary Fulgencio S. Factoran, Jr. found that the respondent actually performed the work obligations on the PAMI mining claims. Thus, he set aside the MNR's cancellation order and reinstated the respondent's MLCs.⁸

Anticipating the expiration of its MLCs, the respondent applied for a renewal on May 16, 1989. On January 5, 1991, the Department of Environment and Natural Resources (*DENR*) issued Administrative Order No. 82 requiring the conversion of all mining lease applications, including renewal applications, to Mineral Production Sharing Arrangement (*MPSA*) applications.

Thus, on April 25, 1991, the respondent filed an MPSA application⁹ with the DENR on a 547.68-hectare land in Norzagaray, Bulacan. On November 16, 1992, **Tomas filed a letter-opposition to the respondent's MPSA application, alleging that it covered his titled property.**¹⁰

On May 25, 1993 (when an injunction dispute was already pending between the parties, as described below), the DENR Region III Regional Executive Director dismissed Tomas' opposition to the respondent's MPSA application. Tomas appealed to then DENR Secretary Angel Alcala who, on

⁷ Docketed as O.P. Case No. 2755.

⁸ *Rollo*, pp. 181-186.

⁹ Docketed as MPSA-P-III-9.

¹⁰ Docketed as DENR Case No. MSC-III-1-93; *rollo*, p. 208.

April 13, 1994, dismissed the appeal for lack of merit.¹¹ When the DENR Secretary denied the motion for reconsideration that followed, Tomas appealed to the OP.¹²

On September 23, 1996, then Deputy Executive Secretary Renato C. Corona dismissed Tomas' appeal.¹³ On motion for reconsideration, then Executive Secretary Ruben Torres reversed the dismissal order and set aside the DENR Secretary's decision. He directed the DENR Secretary to exclude the Teodoros' land from the coverage of the respondent's MPSA.¹⁴

The respondent elevated the OP's decision to the CA.¹⁵ In a June 26, 1998 decision, the CA set aside the decision of then Executive Secretary Torres and declared **the respondent's MLCs as still subsisting; the respondent had not lost its right to extract limestone deposits within its mining claim area that includes the Teodoros' land.**¹⁶

Tomas then filed a **Rule 45 petition for review on *certiorari*** with this Court in G.R. No. 134501, **which the Court denied on October 12, 1998** for failure to attach the required certification against forum shopping.¹⁷ The Resolution became final and executory on March 2, 1999 per Entry of Judgment.

b. The Present Injunction Dispute

On February 24, 1992 (or soon after the respondent filed an MPSA application with the DENR, as narrated above), the respondent sent its employees to survey the mining claim area to look for the possible site for

¹¹ Docketed as DENR Case No. 7428; *id.* at 223-234.

¹² Docketed as O.P. Case No. 6167.

¹³ *Rollo*, pp. 235-244.

¹⁴ *Id.* at 245-251.

¹⁵ Docketed as CA-G.R. SP No. 45396.

¹⁶ *Rollo*, pp. 187-207.

its limestone crusher. Salvador Ilano, a caretaker of the Teodoros' land, prevented the entry of the respondent's employees.

On March 25, 1992, the respondent filed a complaint for injunction against the petitioners with the Regional Trial Court (*RTC*) of Bulacan,¹⁸ praying for the issuance of an injunction to restrain the petitioners from preventing the respondent's employees' access to the mining claim area. **This is the case that is now before us.**

While admitting that they denied entry to the respondent's employees, the petitioners countered that they owned the property and they were the legitimate quarry permit applicants.

On October 21, 1992, the RTC granted the respondent's prayer for the issuance of a writ of preliminary injunction.¹⁹ In the course of the hearing, the petitioners presented evidence, among them, the testimony of Geodetic Engineer Rolando Nathaniel Sanchez Pada, that allegedly showed that the respondent's mining claims are outside the Teodoros' land.

The RTC Ruling

In its November 15, 2000 decision,²⁰ the RTC found the respondent entitled to the injunction prayed for, noting that the respondent's MLCs remained valid and subsisting. It enjoined the petitioners from preventing the respondent's employees' access to the mining claim area. It also ordered the petitioners to pay ₱10 Million as actual damages, ₱500,000.00 as exemplary damages, and ₱250,000.00 as attorney's fees.

¹⁷ *Id.* at 273-274.

¹⁸ Docketed as Civil Case No. 194-M-92, the case was initially raffled to Branch 15 under Judge Carlos C. Ofilada and then transferred to Branch 9 when Judge Ofilada voluntarily inhibited himself from hearing the case.

¹⁹ *Rollo*, pp. 210-215.

²⁰ *Id.* at 86-101.

The RTC rejected the petitioners' evidence that allegedly showed that the respondent's mining claims fell outside the Teodoros' land, noting that: (1) the petitioners waived this defense when they failed to allege it in their answer to the complaint, pursuant to Section 1, Rule 9 of the Rules of Court; (2) the petitioners were estopped from arguing that the respondent's mining claims fell outside the Teodoros' land when they have argued otherwise **in prior administrative proceedings**; and (3) the records of the other administrative proceedings showed that the respondent's mining claims and the Teodoros' land were located in the same area.

The CA Ruling

On appeal, the petitioners argued that the RTC erred: (1) in deciding in the respondent's favor since the latter failed to prove that it had a right to enter the Teodoros' land; (2) in disregarding Engineer Pada's testimony that the respondent's mining claims fell outside, or did not cover, the Teodoros' land; and (3) in awarding damages to the respondent.

In its April 15, 2003 decision,²¹ the CA set aside the RTC's decision and dismissed the respondent's injunction complaint. It found that the respondent failed to show that it had a clear and positive right to enter the petitioners' property, and the rights the petitioners violated. It specifically noted that the respondent failed to comply with the twin requirements²² of: (1) a prior notice to the surface owner concerned (Teodoros) of the claimant's (respondent's) right to enter the private land; and (2) the posting

²¹ *Supra* note 3.

²² Under Section 12 of Presidential Decree No. 463, otherwise known as the "Mineral Resources Development Decree of 1974" (effective May 17, 1974), as amended by Section 6 of Presidential Decree No. 1385 (effective May 25, 1978), as well as Section 2 of Presidential Decree No. 512 (effective July 19, 1974), and Section 76 of Republic Act No. 7942 (An Act Instituting a New System of Mineral Resources Exploration, Development, Utilization, and Conservation), otherwise known as the "Philippine Mining Act of 1995" (effective April 14, 1995).

of a bond by the claimant with the BMGS or with the concerned Mines Regional Office, duly approved by the Director of Mines or Regional Director of the concerned Mines Regional Office, to guarantee the compensation of whatever damages the private land might sustain as a consequence of the claimant's mining operations. Thus, it deleted the awards of actual and exemplary damages, and the award for attorney's fees.

Dissatisfied, the respondent moved for reconsideration. On the other hand, the petitioners moved for partial reconsideration, arguing that the CA failed to address the issue of whether the respondent's mining claims included the Teodoros' land.²³

The CA denied both motions.²⁴ With respect to the respondent's motion for partial reconsideration, the CA reiterated the RTC's observation that the petitioners waived the argument that the respondent's mining claims fell outside the Teodoros' land when they failed to set it up as a defense in their answer.

The petitioners then filed the present Rule 45 petition.

The Petition

The petitioners argue that the parties framed at the inception of the case, thru the complaint and the answer, the issue of whether the respondent's mining claims fell within or outside the Teodoros' land; that under Section 5, Rule 10 of the Rules of Court, issues that are tried, even if not raised by the pleadings, shall be treated in all respects as if they had been raised in the pleadings; that damages and attorney's fees should be awarded in their favor for the respondent's filing of the injunction case.

²³ *Rollo*, pp. 102-121.

²⁴ *Supra* note 4.

The Case for the Respondent

The respondent submits that the petition should have been dismissed outright for having a defective verification and certification against forum shopping signed by counsel, and for failure to attach an affidavit of service. On the merits, the respondent insists that the petitioners waived the argument that the respondent's mining claims fell outside the Teodoros' land when they failed to set it up as a defense in their answer. Nonetheless, the respondent asks the Court to reconsider the CA's deletion of the awards of actual and exemplary damages, and the award for attorney's fees.

The Issue

The core issue is whether the CA committed a reversible error in not ruling on the question of whether the Teodoros' land is excluded from the respondent's mining claims.

Our Ruling

We deny the petition.

On the defective verification and certification against forum shopping, and the absence of proof of service

In *Altres v. Empleo*,²⁵ the Court issued the following guidelines regarding non-compliance with the requirements on, or submission of a defective, verification and certification against forum shopping:

²⁵

G.R. No. 180986, December 10, 2008, 573 SCRA 583.

1) A distinction must be made between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping.

2) As to verification, non-compliance therewith or a defect therein does not necessarily render the pleading fatally defective. The court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby.

3) Verification is deemed substantially complied with when one who has ample knowledge to swear to the truth of the allegations in the complaint or petition signs the verification, and when matters alleged in the petition have been made in good faith or are true and correct.

4) As to certification against forum shopping, non-compliance therewith or a defect therein, unlike in verification, is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the Rule on the ground of "substantial compliance" or presence of "special circumstances or compelling reasons."

5) The certification against forum shopping must be signed by all the plaintiffs or petitioners in a case; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable circumstances, however, as when all the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the Rule.

6) Finally, the certification against forum shopping must be executed by the party-pleader, not by his counsel. If, however, for reasonable or justifiable reasons, the party-pleader is unable to sign, he must execute a Special Power of Attorney designating his counsel of record to sign on his behalf.²⁶ (citations omitted; emphases ours)

In this case, the petitioners' counsel signed the verification and certification against forum shopping stating that "[p]etitioner Tomas T. Teodoro is currently a resident of the United States of America. While he has authorized Atty. Caguioa to execute on his behalf the Certification against [forum] shopping portion of the Petition for Review, he still has to send the written authorization to the latter by courier. Accordingly, under

²⁶*Id.* at 596-598.

authority of the case of *Donato v. Court of Appeals*,²⁷ x x x, Atty. Caguioa is executing the aforementioned Certification against [forum] shopping.”²⁸

The counsel’s reliance on *Donato* is misplaced. In that case, the petitioner subsequently submitted a certification against forum shopping that he had personally signed. Here, the petitioners’ counsel completely failed to submit the petitioners’ written authorization.

Furthermore, the subsequent filing on August 4, 2006²⁹ of the Secretary’s Certificate³⁰ of Republic Aggregate Realty, Inc., the transferee *pendente lite* of the Teodoros’ land, ratifying all the acts of the petitioners’ counsel, could not cure the defect in the verification or certification requirements, since the authorizing board resolution had been passed only on August 3, 2006, or twenty (21) months after the petition was filed on November 8, 2004,³¹ clearly beyond the reglementary period for filing the petition.³²

Section 5, Rule 7³³ of the Rules of Court mandates that it should be the plaintiff or principal party who should sign the certification against forum shopping. A petition is flawed when the certification is signed only by the counsel and not by the party,³⁴ because it is the party, and not the counsel, who is in the best position to know whether he actually filed or caused the filing of a petition.³⁵ While we have relaxed this rule in instances

²⁷ 462 Phil. 676 (2003).

²⁸ *Rollo*, p. 62; italics ours.

²⁹ *Id.* at 436.

³⁰ *Id.* at 486.

³¹ *Id.* at 31.

³² See *Eagle Ridge Golf & Country Club v. Court of Appeals*, G.R. No. 178989, March 18, 2010, 616 SCRA 116, 130.

³³ Section 5. *Certification against forum shopping*. — The **plaintiff or principal party** shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith[.]

³⁴ *United Pulp and Paper Co., Inc. v. United Pulp and Paper Chapter-Federation of Free Workers*, G.R. No. 141117, March 25, 2004, 426 SCRA 329, 334.

³⁵ *Sps. Chan v. RTC, Zamboanga Del Norte, Dipolog City, Branch 9*, 471 Phil. 822, 834 (2004).

when substantial justice requires it, *i.e.*, when the petitioner's case was meritorious,³⁶ this case does not fall within this exception, as will be discussed later.

As to the alleged failure to attach an affidavit of service, we find that the affidavit of service executed by Melvyn Bantog, the petitioners' counsel's messenger, stating that he served a copy of the petition by registered mail to the respondent, the CA, and the RTC with the corresponding registry receipts, was actually attached to the petition,³⁷ contrary to the respondent's allegation.

On the issue of whether the respondent's mining claims included the Teodoros' land

While the petitioners' answer did not specifically raise the issue of whether the respondent's mining claims exclude the Teodoros' land, we find this issue to be deemed raised in the pleadings under Section 5, Rule 10 of the Rules of Court, which provides that "[w]hen issues not raised by the pleadings are tried with the express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings." In the course of the trial, Engineer Pada testified that the respondent's mining claims do not include the Teodoros' land, based on a survey and sketch plan he prepared.

At any rate, the RTC correctly rejected Engineer Pada's testimony, taking into consideration the following evidence:

³⁶ *Ty-De Zuzuarregui v. Villarosa*, G.R. No. 183788, April 5, 2010, 617 SCRA 377, 385; *Clavecilla v. Quitain*, 518 Phil. 53, 65 (2006); and *Sy Chin v. Court of Appeals*, 399 Phil. 442, 454 (2000).

³⁷ *Rollo*, p. 64.

1. Exhibit TT-1 – Affidavit dated November 16, 1992 which Tomas T. Teodoro executed and submitted to the Regional Technical Director of the Mines and Geosciences Dev't Service of the DENR making reference to his Application for Quarry Permit 551 and stating: "3. That upon the expiration of said AQP 551, its renewal was held in abeyance by the Department of Environment and Natural Resources, Region III, due to a **conflict with the PAMI Claims held by Continental Cement Corporation.**";

2. Exhibit C (separately marked as Exhibit 41) which Engr. Pada used as one reference material in preparing the sketch plan (Exh. 37) – Survey PLAN for PAMI I and II placer claims duly approved by the Director of Mines on July 1964 which unmistakably shows that **portions of the Teodoros' lots are within CCC's mining claims;**

3. Exhibit R- Report [of] Engr. Mabini A. Floresta of the then Bureau of Mines on the field survey conducted on September 6, 1969 which concluded: "**The area of the private lot inside the mining claims is likewise computed and it appears to cover 31.5138 hectares, in which the Psu-6283 (TCT-T-43346) occupies an area of 2.4485 hectares, Psu-160517 Lot 1 covers an area of 11.6683 hectares.**";

4. Exhibit II-1-Memorandum report of Engr. Rosa S. Aniban to the Director of the Bureau of Mines and Geosciences dated December 22, 1980 which reads in part: "xxx. **As per plotting of the Survey Division, portions of these area (referring to the Teodoros' AQP-551 and AQP-552 containing 77.5724 and 12.8800 hectares, respectively) were found to overlap claims PAMI I and PAMI II xxx, presently leased to Continental Cement Corporation. x x x.**";

5. Exhibit UU – Decision of then DENR Regional Executive Director for Region III Samuel R. Peñañiel dated May 25, 1993 dismissing the opposition filed by Tomas Teodoro in MSC-III-1-93 and **denying the exclusion of his titled property from CCC's then pending application for an MPSA.** Such decision was affirmed in toto by then DENR Secretary Angel C. Alcala (Exhibit WW);

6. Exhibit KKK – Report dated 25 May 1995 submitted by CENRO Romeo M. Buenaventura to OIC Norberto Polumbarit, Environmental and Natural Resources Officer, Malolos, Bulacan in connection with the verification/ocular inspection conducted on May 23, 1995 stating: "1. **That, based on the ocular inspection conducted, it was verified that the area being quarried by Tomas Teodoro is within the PAMI I, II and III of the Continental Cement Corporation;**";

7. Exhibit XXX – Decision in O.P. Case No. 6167 dated September 23, 1996 of then Deputy Executive Secretary Renato C. Corona which stated: "The conflicting interests between the parties stemmed from the mining claims in Norzagaray, Bulacan. The records show that on December 23, 1964, the PAMI Development Corporation (PAMI for brevity), CCC's predecessor-in-interest, was granted Placer Lease Contracts Nos. V-202 and V-203 for a period of 25 years, which

eventually became CCC's mining lease contracts covering an area of approximately 186 hectares. **Within the area of the PAMI are 12.88 hectares of titled land in the name of Benigno Roxas, Teodoro's predecessor-in-interest, from whom Teodoro acquired his rights in 1973 and subsequently registered in his name.**";

8. Exhibit 28 – Resolution of then Executive Secretary Ruben D. Torres dated December 26, 1996 which reads in part: "It follows therefore that the 44.14 hectares undisputably owned by the Teodoros and all other lands owned by them for that matter which are covered by the **PAMI claims, should be excluded from the coverage of the CCC's MPSA application because over these lands it is the Teodoros who have the preferential right to quarry the mineral resources[.]**"³⁸

Clearly, the administrative agencies have already settled that the Teodoros' land is within the respondent's mining claims. Under the doctrine of conclusiveness of judgment, "facts and issues actually and directly resolved in a former suit cannot again be raised in any future case between the same parties, even if the latter suit may involve a different claim or cause of action."³⁹ "Conclusiveness of judgment proscribes the relitigation in a second case of a fact or question already settled in a previous case."⁴⁰ Thus, the petitioners are already barred from raising the issue anew. The findings and conclusions in the prior administrative proceedings between the parties, as affirmed by the CA⁴¹ and this Court,⁴² are binding upon them.

The petitioners are also estopped from claiming that the Teodoros' land does not fall within the respondent's mining claims since the petitioners have argued otherwise in the prior proceedings. Under Article 1431 of the Civil Code, "[t]hrough estoppel an admission or representation is rendered conclusive upon the person making it, and cannot be denied or disproved as against the person relying thereon." The petitioners' representation in the

³⁸ *Id.* at 97-98.

³⁹ *Ley Construction & Development Corporation v. Philippine Commercial & International Bank*, G.R. No. 160841, June 23, 2010, 621 SCRA 526, 536; and *Superior Commercial Enterprises, Inc. v. Kunnan Enterprises Ltd.*, G.R. No. 169974, April 20, 2010, 618 SCRA 531, 552.

⁴⁰ *Ley Construction & Development Corporation v. Philippine Commercial & International Bank*, *supra*, at 536.

⁴¹ In CA-G.R. SP No. 45396; *rollo*, pp. 187-207.

⁴² In G.R. No. 134501; *id.* at 273-274.

prior proceedings that the respondent's mining claims include the Teodoros' land cannot now be denied by them as against the respondent, the latter having relied upon their representation.

On the CA's denial of the petitioners' prayer for damages and attorney's fees

The CA committed no reversible error in denying the petitioners' prayer for damages and attorney's fees for the respondent's filing of the injunction case.

The settled rule is that "a resort to judicial processes is not, *per se*, evidence of ill will upon which a claim for damages may be based,"⁴³ for the law could not have meant to impose a penalty on the right to litigate. "[F]ree resort to Courts for redress of wrongs is a matter of public policy. The law recognizes the right of everyone to sue for that which he honestly believes to be his right without fear of standing trial for damages."⁴⁴

⁴³ *Sandejas v. Ignacio, Jr.*, G.R. No. 155033, December 19, 2007, 541 SCRA 61, 81.
⁴⁴ *Tan, et al. v. CA, et al.*, 216 Phil. 367, 375 (1984).

***The respondent's prayer for award
of damages and attorney's fees***

As to the respondent's prayer, we can no longer examine the CA's deletion of the monetary amounts awarded by the RTC since the respondent did not appeal from the CA decision. "[A] party who did not appeal cannot assign such errors as are designed to have the judgment modified."⁴⁵ The established exceptions to this rule – such as "(1) errors affecting the lower court's jurisdiction over the subject matter, (2) plain errors not specified, and (3) clerical errors"⁴⁶ – do not apply to this case.

WHEREFORE, the petition is **DENIED** for lack of merit. The April 15, 2003 decision and the September 9, 2004 resolution of the Court of Appeals in CA-G.R. CV No. 70414 are hereby **AFFIRMED**.

Costs against the petitioners.

SO ORDERED.

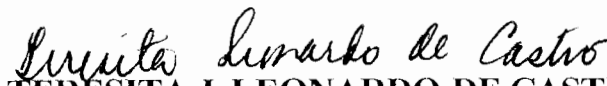

ARTURO D. BRION
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson

⁴⁵ *Yano v. Sanchez*, G.R. No. 186640, February 11, 2010, 612 SCRA 347, 358.

⁴⁶ *Real v. Belo*, G.R. No. 146224, January 26, 2007, 513 SCRA 111, 127; and *Santos v. Court of Appeals*, G.R. No. 100963, April 6, 1993, 221 SCRA 42, 46.



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice